



F-7917

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

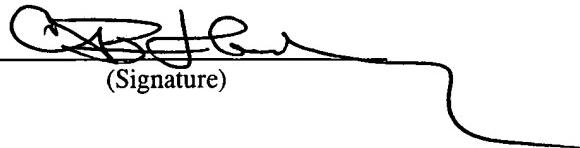
Applicant : Koji TOKIMATSU, et al.  
Serial No. : 10/634,539  
Filed : August 4, 2003  
For : METHODS FOR MEASUREMENT, ANALYSIS  
AND ASSESSMENT OF GROUND STRUCTURE.  
Group Art Unit : 3663  
Examiner : Nelson Moskowitz

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 on

August 24, 2004

C. Bruce Hamburg  
(Name)

  
(Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER UNDER 27 CFR 1.321(b)  
PURSUANT TO 37 CFR 1.78(d)**

Sir:

In response to the Office Action of May 24, 2004, applicants submit the following remarks.

08/30/2004 ZJUHAR1 00000011 101250 10634539

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**REMARKS**

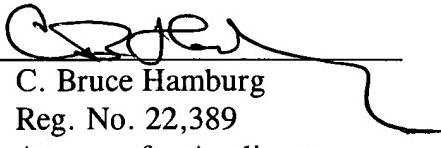
Claims 1-8 remain pending in the application and are rejected under the judicially created doctrine of the "obviousness" type double patenting rejection as unpatentable over claims 1-27 of U.S. Patent No. 6,612,398, which itself is subject to a terminal disclaimer with respect to U.S. Patent 6,253,870, of which the '398 patent is continuation through a chain of three other intervening continuation applications, each of which was abandoned in sequence. The ultimate filing date for priority purposes is that of the common parent '398 patent application, April 16, 1991. The '398 patent has a normal expiration date of April 16, 2011. The terminal disclaimer in the present application, therefore, is operative with respect to that date.

With regard to the "obviousness" type double patenting rejection, the assignee herein files, without prejudice, a terminal disclaimer in compliance with 37 CFR 1.321(b) pursuant to 37 CFR 1.78(d) in order to overcome any such double patenting rejection. Please charge the corresponding fee of \$110.00 to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,

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